

REMARKS

Claims 1-13 and 19-34 are currently pending in the application. By this amendment, independent claims 1 and 19 have been amended to better clarify the instant invention. No new matter has been entered.

Accordingly, reconsideration and withdrawal of the pending rejections are requested in view of the instant amendments and the accompanying remarks.

Interview with Examiner Darwin P. EREZO

Applicant wishes to thank Examiner EREZO for his courtesy and cooperation during the interview conducted on April 18, 2006.

During the above-noted interview, Applicants' representative discussed the features of the present invention and the advantages thereof with respect to the prior art. Moreover, Applicants' representative discussed the references cited by the Examiner and pointed out the shortcomings thereof with respect to the features of the present invention.

In particular, in discussing the Lebner (U.S. Pat. No. 6,329,564) and the Baker et al. (U.S. Pat. No. 5,979,450) references cited and applied by the Examiner, Applicants' representatives suggested amending the independent claims to further define Applicant's invention, noting the applied prior art did not teach each and every feature of the instant independent claims, as is proposed for amendment.

More specifically, Applicants' proposed amendment to independent claim 1, recites, *inter alia*:

"a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from ~~one edge thereof~~ a first wound edge in a first direction, the first adhesive-backed anchoring member being protected by a two-stage release liner system comprising:

the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member thereby exposing the first wound edge;"

Applicants' proposed amendment to independent claim 19, recites, *inter alia*:

"a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from ~~one edge thereof~~ a first wound edge in a first direction, the first adhesive-backed anchoring member being protected by a two-stage release liner system comprising:

the semi-rigid tab and release liner of the ~~second~~ first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member thereby exposing the first wound edge;"

The Examiner responded positively to the above-noted proposed amendments (to the independent claims 1 and 19) indicating that the application would be in condition for allowance if the above-proposed amendments were made of record. The Examiner further indicated that he would place the instant Applicant's application into condition for allowance upon receiving the above-suggested amendments when filed as a supplemental response to the response filed March 31, 2006.

Drawings

As neither the Examiner nor the Patent Office Draftsperson has objected to the originally submitted drawings, Applicant understands that these drawings are acceptable.

35 U.S.C. §103 Rejection

Claims 1-13 and 19-34 have been rejected under 35 USC 103 as being unpatentable over U.S. Patent No. 6,329,564 B1 to LEBNER in view of U.S. Patent No. 5,979,450 to Baker, *et al.* (hereafter "BAKER"). The Examiner asserts that LEBNER shows all of the features of the instant invention, with the exception of a semi rigid tab as disclosed in BAKER, but that it would have been obvious to modify LEBNER to include a semi rigid tab, as taught by BAKER. Applicant traverses the Examiner's assertions. Applicants' independent claim 1 recites, *inter alia*,

"a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from *a first wound edge* in a first direction, the first adhesive-backed anchoring member being protected by a

two-stage release liner system comprising:

the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member *thereby exposing the first wound edge*;"

Applicants' proposed amendment to independent claim 19, recites, *inter alia*:

"a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from *a first wound edge* in a first direction, the first adhesive-backed anchoring member being protected by a two-stage release liner system comprising:

the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member *thereby exposing the first wound edge*;"

Applicant submits that no proper combination of LEBNER and BAKER render obvious the above-noted features of independent claims 1 and 19, as currently amended.

LEBNER discloses a bandage 1 having a first flat flexible component 5 and a second flat flexible component 25, wherein each of the components (5, 25) have an upper surface with elongated connectors (15, 35) extending from the wound edge (20, 42) and lower surfaces coated with adhesive. See Col. 5, lines 45-60 of LEBNER. However, this document fails to teach or even suggest a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from *a first wound edge* in a first direction, wherein the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member *thereby exposing the first wound edge*, as at least recited in independent claim 1, as currently amended, and as well as a first component comprising a first adhesive-backed anchoring member and one or more first connecting members extending from *a first wound edge* in a first direction, wherein the semi-rigid tab and release liner of the first component cooperating such that when the semi-rigid tab is flipped back onto the portion of the release liner to which it is not attached by

adhesive, that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member *thereby exposing the first wound edge*, as at least recited in independent claim 19, as currently amended.

Baker discloses a surgical incise drape 10 having a flexible film 12 coated with a pressure sensitive adhesive 14 that is covered by a release liner 16 provided with a liner handle 22. However, this document fails to teach or even suggest the above noted features as recited in at least independent claims 1 and 19, as currently amended above.

Applicant submits, as neither applied document (LEBNER and BAKER) teach or suggest the above-noted features of at least independent claims 1 and 19, as well as all depending claims, that no proper combination of these documents can render unpatentable the combination of features recited in the pending claims, as currently amended. Applicant respectfully submits that a *prima facie* case of obviousness has not been established as the applied references fail to support the Examiner's assertion, as currently amended.

Further, in contrast to Applicants' invention, BAKER discloses a liner handle 22 attached to the leading edge of the liner 16, such that the liner handle may or may not be stiffer than the liner 16 to obtain benefits from use of the Baker device, Applicant submits BAKER does not disclose *that portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member*, as recited in at least independent claims 1 and 19. See Col. 8, lines 45-52 of BAKER.

In fact, Applicant submits BAKER teaches away from the instant invention, i.e., BAKER discloses that the liner handle 22 does not have to be stiffer than the liner 16 to obtain benefits from use of the Baker device. More specifically, paragraph 29 of the application as filed states that:

With respect to the flip tab two-stage release liner system, it is important that when the semi-rigid tab is flipped-back on to the portion of the release liner to which it is not attached by adhesive, that the portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member.

Operationally, this limitation describes the establishment of a reinforced "application control edge" on each of the adhesive backed anchoring members which is parallel to the wound edge. The application control edge is established by flipping back the semi-rigid tab (i.e., the first stage of

the two stage release liner system). This application control edge enables a user to bend, for example, the first adhesive-backed anchoring member into a U-shape such that only a central portion of the first wound edge of the first anchoring member makes initial contact with the skin. The remaining portion of the first wound edge is then adhered in a very controlled manner by relaxing the U-shaped bend. Achieving the U-shape requires the additional reinforcement provided by the semi-rigid tab as all other parts are soft & flexible.

BAKER teaches away from this establishment of an application control edge in numerous statements in the cited patent. BAKER describes a device that is applied by two individuals cooperating simultaneously. One individual is controlling the film handle (18) and the second individual is controlling the liner handle 22 (see column 16, lines 53-57). Thus, in the BAKER device, an individual physically controls the leading edge of the film by holding a handle attached to the leading edge of the film. In the present invention, on the other hand, the leading edge of the film (the wound edge of an adhesive-backed anchoring member) is controlled at a distance, by a single user, by virtue of the fact that the semi-rigid tab attached to the release liner, when flipped back onto the portion of the release liner to which it is not attached by adhesive, that the portion of the release liner to which the tab is not attached remains fully adhered to the anchoring member.

As discussed above, the proposed combination of LEBNER and BAKER teaches away from Applicant's invention, for example, Column 8, lines 45-66 make clear that it is not essential to the BAKER invention that the liner handle 18 be stiff. In particular, lines 57-58 make clear that the liner handle 18 may be made of the same material as the liner 16. Such a material selection would be inconsistent with Applicant's invention and, therefore, represents a teaching away.

Further, Applicant submits that claims 2-13 and 20-34 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of the claims 1-13 and 19-34 under 35 U.S.C. § 103 (a) and indicate that these claims are allowable.

§102 and §103 Rejections are Believed to be Moot

Applicant submits that, in view of the instant Supplemental Amendment to Applicant's Amendment filed March 30, 2006, and in further view of the Examiner Interview dated April 18, 2006, the §102 and §103 rejections of claims 1-13 and 19-34 are believed to be moot.

In particular, Applicant notes that independent claims 1 and 19 have been amended in accordance to the Examiner's remarks (in the above-mention Examiner Interview) to place the instant application in condition for allowance.

Accordingly, withdrawal of the §102 and §103 rejections is respectfully requested.

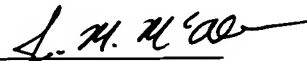
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention, as recited in each of claims 1-13 and 19-34. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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